

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TAMARA SLIPCHENKO, on behalf  
of herself and all other persons  
similarly situated,

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§  
§  
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§

Plaintiffs,

§  
§  
§

v.

§ CIVIL ACTION NO. H-11-1465

BRUNEL ENERGY, INC., *et al.*,

§  
§  
§

Defendants.

§

**MEMORANDUM AND ORDER**

On September 7, 2012, the plaintiffs filed a motion to amend their complaint, (Docket Entry No. 50), a memorandum in support of that motion, (Docket Entry No. 51), and a proposed amended complaint, (Docket Entry No. 52, Ex. A). The proposed amendments would add Valorie Barton as a named plaintiff and class representative, amend the factual allegations based on information uncovered during the course of discovery, withdraw various claims against the defendants, and revise the plaintiffs' prayer for relief. (Docket Entry No. 51, at 1). The defendants have not responded in opposition to the motion.

Under Federal Rule of Civil Procedure 15(a), a district court "should freely give leave [to amend] when justice so requires." FED. R. CIV. P. 15(a)(2). "[T]he language of this rule evinces a bias in favor of granting leave to amend." *Jones v. Robinson Prop. Grp.*, 427 F.3d 987, 994 (5th Cir. 2005) (quotation omitted). Although leave to amend should not be automatically granted, "[a] district court must possess a substantial reason to deny a request for leave to amend." *Id.* (quotation omitted). Under Rule 15(a), "[d]enial of leave to amend may be warranted for undue delay, bad

faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies, undue prejudice to the opposing party, or futility of a proposed amendment .” *United States ex rel. Steury v. Cardinal Health, Inc.*, 625 F.3d 262, 270 (5th Cir. 2010). This court finds no reason to deny the requested leave to amend. The present record does not suggest undue delay, bad faith, undue prejudice, or futility. During the period the motion for leave to amend was still pending, the parties litigated the proposed claims of Valorie Barton, deposed her, and addressed her claims in the pending summary-judgment motion and responsive briefing. (See Docket Entries No. 71, 72, 78). Accordingly, the motion for leave to amend is granted.

SIGNED on June 7, 2013, at Houston, Texas.

  
Lee H. Rosenthal  
United States District Judge